

TABLE OF AUTHORITIES

CASES

<u>Allen v. City and County of Honolulu,</u> 816 F.Supp. 1501 (D. Hawaii 1993) . . . . .	12
<u>Alpha Energy Savers, Inc. V. Hansen,</u> 381 F.3d 917 (9 <sup>th</sup> Cir. 2004) . . . . .	18
<u>American Family Ass'n v. City and County of San Fran.,</u> 277 F.3d 1114 (9th Cir. 2002) . . . . .	7
<u>Anderson v. Creighton,</u> 483 U.S. 635, 107 S.Ct. 3034 (1987) . . . . .	12
<u>Batacan v. Reliant Pharmaceuticals,</u> 324 F.Supp.2d 1144 (D.Hawaii 2004) . . . . .	36
<u>Black v. City &amp; County of Honolulu,</u> 112 F.Supp.2d 1041 (D. Hawaii 2000) . . . . .	33
<u>Celotex Corp. v. Catrett,</u> 477 U.S. 317 (1986) . . . . .	7
<u>City of St. Louis v. Praprotnik,</u> 485 U.S. 112 (1988) . . . . .	9
<u>Coszalter v. City of Salem,</u> 320 F.3d 968 (9 <sup>th</sup> Cir. 2003) . . . . .	12, 17
<u>Dairy Road Partners,</u> 92 Hawai'i 398, 992 P.2d 93 (2000) . . . . .	34, 35
<u>Daly v. Harris,</u> 215 F.Supp.2d 1098 (D. Hawaii 2002) . . . . .	39
<u>Deprado v. City of Miami,</u> 446 F.Supp.2d 1344 (S.D.Fla. 2006) . . . . .	14, 15
<u>Furukawa v. Honolulu Zoological Society,</u> 85 Hawaii 7, 936 P.2d 643 (1997) . . . . .	33
<u>Garcetti v. Ceballos,</u> 126 S.Ct. 1951 (2006) . . . . .	12, 13, 15

<u>Hac v. University of Hawaii,</u>	
102 Hawaii 92, 73 P.3d 46 (2003) . . . . .	37
<u>Hunter v. Bryant,</u>	
502 U.S. 224, 112 S.Ct. 534 (1991) . . . . .	10
<u>Huskey v. City of San Jose,</u>	
204 F.3d 893 (9 <sup>th</sup> Cir. 2000) . . . . .	24
<u>Kahale v. ADT Automotive Services, Inc.,</u>	
2 F.Supp.2d 1295 (D. Hawaii 1998) . . . . .	33
<u>Kang v. Harrington,</u>	
59 Haw. 652, 587 P.2d 285 (1978) . . . . .	39
<u>Kaplan v. City of Arlington,</u>	
184 F.Supp.2d 553 (N.D. Texas 2002) . . . . .	9
<u>Lauer v. Young Men's Christian Association of Honolulu,</u>	
57 Haw. 390, 557 P.2d 1334 (1976) . . . . .	38, 39
<u>Masaki v. General Motors Corp.,</u>	
71 Haw. 1, 780 P.2d 566 (1989) . . . . .	39, 40
<u>McCoy v. City of New York,</u>	
131 F.Supp.2d 363 (E.D. N.Y. 2001) . . . . .	9
<u>Medeiros v. Kondo,</u>	
55 Haw. 499, 522 P.2d 1269 (1974) . . . . .	30
<u>Mitchell v. Forsyth,</u>	
472 U.S. 511, 86 L.Ed.2d 411, 105 S.Ct. 2806 (1985) . . .	10
<u>Monell v. Department of Social Services of New York,</u>	
436 U.S. 658 (1978) . . . . .	8
<u>Nunez v. City of Los Angeles,</u>	
147 F.3d 867 (9 <sup>th</sup> Cir. 1998) . . . . .	17, 18, 21, 23, 24
<u>O.S.C. Corp. v. Apple Computer, Inc.,</u>	
792 F.2d 1464 (9th Cir. 1986) . . . . .	8
<u>Pahk v. State of Hawaii,</u>	
109 F.Supp.2d at 1269 (D.Hawaii 2000) . . . . .	11, 30
<u>Ross v. Stouffer Hotel Company (Hawaii) Ltd.,</u>	
76 Hawai`I 454, 879 P.2d 1037 (1994) . . . . .	36, 40

<u>Runnels v. Okamoto,</u>	
56 Haw. 1, 525 P.2d 1125 (1974)	30
<u>Saucier v. Katz,</u>	
533 U.S. 194, 150 L.Ed.2d 272,	
121 S.Ct. 2151 (2001)	10, 11
<u>Sweeney v. Ada County, Idaho,</u>	
119 F.3d 1385 (9th Cir. 1997)	11
<u>T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass'n,</u>	
809 F.2d 626 (9th Cir. 1987)	8
<u>Takaki v. Allied Machinery Corp.,</u>	
87 Hawai'i 57, 951 P.2d 507 (Haw.App. 1998)	36
<u>Thompson Trading Ltd. v. Allied Breweries Overseas Trading Ltd.,</u>	
748 F. Supp. 936 (D. R.I. 1990)	35
<u>Towse v. State of Hawaii,</u>	
64 Haw. 624, 647 P.2d 696 (1982)	29, 30
<u>Wong v. City &amp; County of Honolulu,</u>	
333 F.Supp.2d 942 (D. Hawaii 2004)	8, 29

#### STATUTES

42 U.S.C. § 1983	8-10, 28, 29, 36
H.R.S. § 378-62	31, 36
HRS § 281-17(a) (5)	16

#### RULES

F.R.C.P. 56(c)	7
F.R.C.P. 56(e)	7

MISCELLANEOUS

22 Am.Jur.2d Damages § 551 . . . . . 40

25 C.J.S. Damages § 195 . . . . . 40

Restatement (Second) of Torts § 317 (1995) . . . . . 34